

As Introduced

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Representative Fischer

Cosponsors: Representatives Schmidt, Hall, T., Dean, Demetriou, Thomas, D., Swearingen, Gross, Mathews, A., Lear, Williams, Johnson, Stephens, Deeter, Ritter, Pizzulli, Willis, Holmes, McClain, Barhorst, Claggett, Mathews, T., Kishman, Lorenz, Fowler Arthur, Miller, M., Ferguson, Workman, Creech, Newman, LaRe, Stewart, Teska, Mullins, Klopfenstein

To amend sections 2923.11, 2923.111, 2923.122, and 1
2923.17 and to enact section 2923.50 of the 2
Revised Code to enact the Second Amendment 3
Protection Act to safeguard the right to keep 4
and bear arms. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2923.11, 2923.111, 2923.122, and 6
2923.17 be amended and section 2923.50 of the Revised Code be 7
enacted to read as follows: 8

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of 9
the Revised Code: 10

(A) "Deadly weapon" means any instrument, device, or thing 11
capable of inflicting death, and designed or specially adapted 12
for use as a weapon, or possessed, carried, or used as a weapon. 13

(B) (1) "Firearm" means any deadly weapon capable of 14
expelling or propelling one or more projectiles by the action of 15
an explosive or combustible propellant. "Firearm" includes an 16

unloaded firearm, and any firearm that is inoperable but that
can readily be rendered operable.

(2) When determining whether a firearm is capable of
expelling or propelling one or more projectiles by the action of
an explosive or combustible propellant, the trier of fact may
rely upon circumstantial evidence, including, but not limited
to, the representations and actions of the individual exercising
control over the firearm.

~~(C)~~ (C) (1) "Handgun" means any of the following:

~~(1)~~ (a) Any firearm that has a short stock and is designed
to be held and fired by the use of a single hand;

~~(2)~~ (b) Any combination of parts from which a firearm of a
type described in division ~~(C) (1)~~ (C) (1) (a) of this section can
be assembled.

(2) "Handgun" includes a handgun with an affixed brace,
stabilizing device, arm brace, or pistol brace.

(D) "Semi-automatic firearm" means any firearm designed or
specially adapted to fire a single cartridge and automatically
chamber a succeeding cartridge ready to fire, with a single
function of the trigger.

(E) "Automatic firearm" means any firearm designed or
specially adapted to fire a succession of cartridges with a
single function of the trigger.

(F) "Sawed-off firearm" means a shotgun with a barrel less
than eighteen inches long, or a rifle with a barrel less than
sixteen inches long, or a shotgun or rifle less than twenty-six
inches long overall. "Sawed-off firearm" does not include a
handgun and does not include any firearm with an overall length

of at least twenty-six inches ~~that is approved for sale by the~~ 45
~~federal bureau of alcohol, tobacco, firearms, and explosives~~ 46
~~under the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C.~~ 47
~~921(a)(3), but that is found by the bureau not to be regulated~~ 48
~~under the "National Firearms Act," 68A Stat. 725 (1934), 26~~ 49
~~U.S.C. 5845(a).~~ 50

(G) "Zip-gun" means any of the following: 51

(1) Any firearm of crude and extemporized manufacture; 52

(2) Any device, including without limitation a starter's 53
pistol, that is not designed as a firearm, but that is specially 54
adapted for use as a firearm; 55

(3) Any industrial tool, signalling device, or safety 56
device, that is not designed as a firearm, but that as designed 57
is capable of use as such, when possessed, carried, or used as a 58
firearm. 59

(H) "Explosive device" means any device designed or 60
specially adapted to cause physical harm to persons or property 61
by means of an explosion, and consisting of an explosive 62
substance or agency and a means to detonate it. "Explosive 63
device" includes without limitation any bomb, any explosive 64
demolition device, any blasting cap or detonator containing an 65
explosive charge, and any pressure vessel that has been 66
knowingly tampered with or arranged so as to explode. 67

(I) "Incendiary device" means any firebomb, and any device 68
designed or specially adapted to cause physical harm to persons 69
or property by means of fire, and consisting of an incendiary 70
substance or agency and a means to ignite it. 71

(J) "Ballistic knife" means a knife with a detachable 72
blade that is propelled by a spring-operated mechanism. 73

(K) "Dangerous ordnance" means any of the following,	74
except as provided in division (L) of this section:	75
(1) Any automatic or sawed-off firearm, zip-gun, or	76
ballistic knife;	77
(2) Any explosive device or incendiary device;	78
(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN,	79
cyclonite, TNT, picric acid, and other high explosives; amatol,	80
tritonite, tetrytol, pentolite, pecretol, cyclotol, and other	81
high explosive compositions; plastic explosives; dynamite,	82
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate,	83
liquid-oxygen blasting explosives, blasting powder, and other	84
blasting agents; and any other explosive substance having	85
sufficient brisance or power to be particularly suitable for use	86
as a military explosive, or for use in mining, quarrying,	87
excavating, or demolitions;	88
(4) Any firearm, rocket launcher, mortar, artillery piece,	89
grenade, mine, bomb, torpedo, or similar weapon, designed and	90
manufactured for military purposes, and the ammunition for that	91
weapon;	92
(5) Any firearm muffler or suppressor;	93
(6) Any combination of parts that is intended by the owner	94
for use in converting any firearm or other device into a	95
dangerous ordnance.	96
(L) "Dangerous ordnance" does not include any of the	97
following:	98
(1) Any firearm, including a military weapon and the	99
ammunition for that weapon, and regardless of its actual age,	100
that employs a percussion cap or other obsolete ignition system,	101

- or that is designed and safe for use only with black powder; 102
- (2) Any pistol, rifle, or shotgun, designed or suitable 103
for sporting purposes, including a military weapon as issued or 104
as modified, and the ammunition for that weapon, unless the 105
firearm is an automatic or sawed-off firearm; 106
- (3) Any cannon or other artillery piece that, regardless 107
of its actual age, is of a type in accepted use prior to 1887, 108
has no mechanical, hydraulic, pneumatic, or other system for 109
absorbing recoil and returning the tube into battery without 110
displacing the carriage, and is designed and safe for use only 111
with black powder; 112
- (4) Black powder, priming quills, and percussion caps 113
possessed and lawfully used to fire a cannon of a type defined 114
in division (L) (3) of this section during displays, 115
celebrations, organized matches or shoots, and target practice, 116
and smokeless and black powder, primers, and percussion caps 117
possessed and lawfully used as a propellant or ignition device 118
in small-arms or small-arms ammunition; 119
- (5) Dangerous ordnance that is inoperable or inert and 120
cannot readily be rendered operable or activated, and that is 121
kept as a trophy, souvenir, curio, or museum piece; 122
- (6) Any device that is expressly excepted from the 123
definition of a destructive device pursuant to the "~~Gun Control~~
~~Act of 1968,~~" 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended,
~~and regulations issued under that act~~ any state or federal law; 126
- (7) Any firearm with an overall length of at least twenty- 127
six inches ~~that is approved for sale by the federal bureau of~~ 128
~~alcohol, tobacco, firearms, and explosives under the "Gun~~ 129
~~Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but~~ 130

~~that is found by the bureau not to be regulated under the~~ 131
~~"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C.~~ 132
~~5845(a);~~ 133

(8) Any handgun with an affixed brace, stabilizing device, 134
arm brace, or pistol brace. 135

(M) "Explosive" means any chemical compound, mixture, or 136
device, the primary or common purpose of which is to function by 137
explosion. "Explosive" includes all materials that have been 138
classified as division 1.1, division 1.2, division 1.3, or 139
division 1.4 explosives by the United States department of 140
transportation in its regulations and includes, but is not 141
limited to, dynamite, black powder, pellet powders, initiating 142
explosives, blasting caps, electric blasting caps, safety fuses, 143
fuse igniters, squibs, cordeau detonant fuses, instantaneous 144
fuses, and igniter cords and igniters. "Explosive" does not 145
include "fireworks," as defined in section 3743.01 of the 146
Revised Code, or any substance or material otherwise meeting the 147
definition of explosive set forth in this section that is 148
manufactured, sold, possessed, transported, stored, or used in 149
any activity described in section 3743.80 of the Revised Code, 150
provided the activity is conducted in accordance with all 151
applicable laws, rules, and regulations, including, but not 152
limited to, the provisions of section 3743.80 of the Revised 153
Code and the rules of the fire marshal adopted pursuant to 154
section 3737.82 of the Revised Code. 155

(N) (1) "Concealed handgun license" or "license to carry a 156
concealed handgun" means, subject to division (N) (2) of this 157
section, a license or temporary emergency license to carry a 158
concealed handgun issued under section 2923.125 or 2923.1213 of 159
the Revised Code or a license to carry a concealed handgun 160

issued by another state with which the attorney general has 161
entered into a reciprocity agreement under section 109.69 of the 162
Revised Code. 163

(2) A reference in any provision of the Revised Code to a 164
concealed handgun license issued under section 2923.125 of the 165
Revised Code or a license to carry a concealed handgun issued 166
under section 2923.125 of the Revised Code means only a license 167
of the type that is specified in that section. A reference in 168
any provision of the Revised Code to a concealed handgun license 169
issued under section 2923.1213 of the Revised Code, a license to 170
carry a concealed handgun issued under section 2923.1213 of the 171
Revised Code, or a license to carry a concealed handgun on a 172
temporary emergency basis means only a license of the type that 173
is specified in section 2923.1213 of the Revised Code. A 174
reference in any provision of the Revised Code to a concealed 175
handgun license issued by another state or a license to carry a 176
concealed handgun issued by another state means only a license 177
issued by another state with which the attorney general has 178
entered into a reciprocity agreement under section 109.69 of the 179
Revised Code. 180

(O) "Valid concealed handgun license" or "valid license to 181
carry a concealed handgun" means a concealed handgun license 182
that is currently valid, that is not under a suspension under 183
division (A) (1) of section 2923.128 of the Revised Code, under 184
section 2923.1213 of the Revised Code, or under a suspension 185
provision of the state other than this state in which the 186
license was issued, and that has not been revoked under division 187
(B) (1) of section 2923.128 of the Revised Code, under section 188
2923.1213 of the Revised Code, or under a revocation provision 189
of the state other than this state in which the license was 190
issued. 191

(P) "Misdemeanor punishable by imprisonment for a term exceeding one year" does not include any of the following:	192 193
(1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;	194 195 196 197
(2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.	198 199
(Q) "Alien registration number" means the number issued by the United States citizenship and immigration services agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number."	200 201 202 203 204
(R) "Active duty" has the same meaning as defined in 10 U.S.C. 101.	205 206
Sec. 2923.111. (A) As used in this section:	207
(1) "Restricted firearm" means a firearm that is dangerous ordnance or that is a firearm that any law of this state prohibits the subject person from possessing, having, or carrying.	208 209 210 211
(2) "Qualifying adult" means a person who is all of the following:	212 213
(a) Twenty-one years of age or older;	214
(b) Not legally prohibited from possessing or receiving a firearm under 48 <u>any Revised Code provision</u> ;	215 216
(c) <u>Not within a category of persons specified in 18</u> U.S.C. 922(g) (1) to (9) or under section 2923.13 of the Revised	217 218

Code or any other Revised Code provision, <u>as that law exists on</u>	219
<u>the effective date of this amendment;</u>	220
(e) (d) Satisfies all of the criteria listed in divisions	221
(D) (1) (a) to (j), (m), (p), (q), and (s) of section 2923.125 of	222
the Revised Code.	223
(B) Notwithstanding any other Revised Code section to the	224
contrary:	225
(1) A person who is a qualifying adult shall not be	226
required to obtain a concealed handgun license in order to carry	227
in this state, under authority of division (B) (2) of this	228
section, a concealed handgun that is not a restricted firearm.	229
(2) Regardless of whether the person has been issued a	230
concealed handgun license, subject to the limitations specified	231
in divisions (B) (3) and (C) (2) of this section, a person who is	232
a qualifying adult may carry a concealed handgun that is not a	233
restricted firearm anywhere in this state in which a person who	234
has been issued a concealed handgun license may carry a	235
concealed handgun.	236
(3) The right of a person who is a qualifying adult to	237
carry a concealed handgun that is not a restricted firearm that	238
is granted under divisions (B) (1) and (2) of this section is the	239
same right as is granted to a person who has been issued a	240
concealed handgun license, and a qualifying adult who is granted	241
the right is subject to the same restrictions as apply to a	242
person who has been issued a concealed handgun license.	243
(C) (1) For purposes of any provision of section 1547.69,	244
2923.12, or 2923.124 to 2923.1213 of the Revised Code, or of any	245
other section of the Revised Code, that refers to a concealed	246
handgun license or a concealed handgun licensee, except when the	247

context clearly indicates otherwise, all of the following apply:	248
(a) A person who is a qualifying adult and is carrying or	249
has, concealed on the person's person or ready at hand, a	250
handgun that is not a restricted firearm shall be deemed to have	251
been issued a valid concealed handgun license.	252
(b) If the provision refers to a person having been issued	253
a concealed handgun license or having been issued a concealed	254
handgun license that is valid at a particular point in time, the	255
provision shall be construed as automatically including a person	256
who is a qualifying adult and who is carrying or has, concealed	257
on the person's person or ready at hand, a handgun that is not a	258
restricted firearm, as if the person had been issued a concealed	259
handgun license or had been issued a concealed handgun license	260
that is valid at the particular point in time.	261
(c) If the provision in specified circumstances requires a	262
concealed handgun licensee to engage in specified conduct, or	263
prohibits a concealed handgun licensee from engaging in	264
specified conduct, the provision shall be construed as applying	265
in the same circumstances to a person who is a qualifying adult	266
in the same manner as if the person was a concealed handgun	267
licensee.	268
(d) If the application of the provision to a person	269
depends on whether the person is or is not a concealed handgun	270
licensee, the provision shall be applied to a person who is a	271
qualifying adult in the same manner as if the person was a	272
concealed handgun licensee.	273
(e) If the provision pertains to the imposition of a	274
penalty or sanction for specified conduct and the penalty or	275
sanction applicable to a person who engages in the conduct	276

depends on whether the person is or is not a concealed handgun licensee, the provision shall be applied to a person who is a qualifying adult in the same manner as if the person was a concealed handgun licensee.

(2) The concealed handgun license expiration provisions of sections 2923.125 and 2923.1213 of the Revised Code, and the concealed handgun license suspension and revocation provisions of section 2923.128 of the Revised Code, do not apply with respect to a person who is a qualifying adult unless the person has been issued a concealed handgun license. If a person is a qualifying adult and the person thereafter comes within any category of persons specified in ~~18 U.S.C. 922(g)(1) to (9) or in~~ section 2923.13 of the Revised Code or any other Revised Code provision so that the person as a result is legally prohibited under the applicable provision from possessing or receiving a firearm, or the person thereafter comes within a category of persons identified in 18 U.S.C. 922(g)(1) to (9), as that law exists on the effective date of this amendment, both of the following apply automatically and immediately upon the person coming within that category:

(a) Division (B) of this section and the authority and right to carry a concealed handgun that are described in that division do not apply to the person.

(b) The person no longer is deemed to have been issued a concealed handgun license as described in division (C)(1)(a) of this section, and the provisions of divisions (C)(1)(a) to (e) of this section no longer apply to the person in the same manner as if the person had been issued, possessed, or produced a valid concealed handgun license or was a concealed handgun licensee.

Sec. 2923.122. (A) No person shall knowingly convey, or

attempt to convey, a deadly weapon or dangerous ordnance into a school safety zone. 307
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(B) No person shall knowingly possess a deadly weapon or dangerous ordnance in a school safety zone. 309
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(C) No person shall knowingly possess an object in a school safety zone if both of the following apply: 311
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(1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired. 313
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(2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm. 315
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(D) (1) This section does not apply to any of the following: 319
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(a) An officer, agent, or employee of this or any other state or the United States who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties; 321
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(b) A law enforcement officer who is authorized to carry deadly weapons or dangerous ordnance; 325
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(c) A security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment; 327
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(d) Any person not described in divisions (D) (1) (a) to (c) of this section who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and 330
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who conveys or possesses the deadly weapon or dangerous ordnance 335
in accordance with that authorization, provided both of the 336
following apply: 337

(i) Either the person has successfully completed the 338
curriculum, instruction, and training established under section 339
5502.703 of the Revised Code, or the person has received a 340
certificate of having satisfactorily completed an approved basic 341
peace officer training program or is a law enforcement officer; 342

(ii) The board or governing body has notified the public, 343
by whatever means the affected school regularly communicates 344
with the public, that the board or governing body has authorized 345
one or more persons to go armed within a school operated by the 346
board or governing authority. 347

A district board or school governing body that authorizes 348
a person under division (D)(1)(d) of this section shall require 349
that person to submit to an annual criminal records check 350
conducted in the same manner as section 3319.39 or 3319.391 of 351
the Revised Code. 352

(e) Any person who is employed in this state, who is 353
authorized to carry deadly weapons or dangerous ordnance, and 354
who is subject to and in compliance with the requirements of 355
section 109.801 of the Revised Code, unless the appointing 356
authority of the person has expressly specified that the 357
exemption provided in division (D)(1)(e) of this section does 358
not apply to the person. 359

(2) Division (C) of this section does not apply to 360
premises upon which home schooling is conducted. Division (C) of 361
this section also does not apply to a school administrator, 362
teacher, or employee who possesses an object that is 363

indistinguishable from a firearm for legitimate school purposes 364
during the course of employment, a student who uses an object 365
that is indistinguishable from a firearm under the direction of 366
a school administrator, teacher, or employee, or any other 367
person who with the express prior approval of a school 368
administrator possesses an object that is indistinguishable from 369
a firearm for a legitimate purpose, including the use of the 370
object in a ceremonial activity, a play, reenactment, or other 371
dramatic presentation, school safety training, or a ROTC 372
activity or another similar use of the object. 373

(3) This section does not apply to a person who conveys or 374
attempts to convey a handgun into, or possesses a handgun in, a 375
school safety zone if, at the time of that conveyance, attempted 376
conveyance, or possession of the handgun, all of the following 377
apply: 378

(a) The person does not enter into a school building or 379
onto school premises and is not at a school activity. 380

(b) The person has been issued a concealed handgun license 381
that is valid at the time of the conveyance, attempted 382
conveyance, or possession or the person is an active duty member 383
of the armed forces of the United States and is carrying a valid 384
military identification card and documentation of successful 385
completion of firearms training that meets or exceeds the 386
training requirements described in division (G)(1) of section 387
2923.125 of the Revised Code. 388

(c) The person is in ~~the school safety zone in accordance~~ 389
~~with 18 U.S.C. 922(q)(2)(B)~~ compliance with any applicable state 390
or federal law. 391

(d) The person is not knowingly in a place described in 392

division (B) (1) or (B) (3) to (8) of section 2923.126 of the Revised Code. 393
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(4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply: 395
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(a) The person has been issued a concealed handgun license that is valid at the time of the conveyance, attempted conveyance, or possession or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G) (1) of section 2923.125 of the Revised Code. 400
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(b) The person leaves the handgun in a motor vehicle. 408

(c) The handgun does not leave the motor vehicle. 409

(d) If the person exits the motor vehicle, the person locks the motor vehicle. 410
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(E) (1) Whoever violates division (A) or (B) of this section is guilty of illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone. Except as otherwise provided in this division, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fifth degree. If the offender previously has been convicted of a violation of this section, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fourth degree. 412
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(2) Whoever violates division (C) of this section is 422
guilty of illegal possession of an object indistinguishable from 423
a firearm in a school safety zone. Except as otherwise provided 424
in this division, illegal possession of an object 425
indistinguishable from a firearm in a school safety zone is a 426
misdemeanor of the first degree. If the offender previously has 427
been convicted of a violation of this section, illegal 428
possession of an object indistinguishable from a firearm in a 429
school safety zone is a felony of the fifth degree. 430

(F) (1) In addition to any other penalty imposed upon a 431
person who is convicted of or pleads guilty to a violation of 432
this section and subject to division (F) (2) of this section, if 433
the offender has not attained nineteen years of age, regardless 434
of whether the offender is attending or is enrolled in a school 435
operated by a board of education or for which the director of 436
education and workforce prescribes minimum standards under 437
section 3301.07 of the Revised Code, the court shall impose upon 438
the offender a class four suspension of the offender's 439
probationary driver's license, restricted license, driver's 440
license, commercial driver's license, temporary instruction 441
permit, or probationary commercial driver's license that then is 442
in effect from the range specified in division (A) (4) of section 443
4510.02 of the Revised Code and shall deny the offender the 444
issuance of any permit or license of that type during the period 445
of the suspension. 446

If the offender is not a resident of this state, the court 447
shall impose a class four suspension of the nonresident 448
operating privilege of the offender from the range specified in 449
division (A) (4) of section 4510.02 of the Revised Code. 450

(2) If the offender shows good cause why the court should 451

not suspend one of the types of licenses, permits, or privileges 452
specified in division (F)(1) of this section or deny the 453
issuance of one of the temporary instruction permits specified 454
in that division, the court in its discretion may choose not to 455
impose the suspension, revocation, or denial required in that 456
division, but the court, in its discretion, instead may require 457
the offender to perform community service for a number of hours 458
determined by the court. 459

(G) As used in this section, "object that is 460
indistinguishable from a firearm" means an object made, 461
constructed, or altered so that, to a reasonable person without 462
specialized training in firearms, the object appears to be a 463
firearm. 464

Sec. 2923.17. (A) No person shall knowingly acquire, have, 465
carry, or use any dangerous ordnance. 466

(B) No person shall manufacture or process an explosive at 467
any location in this state unless the person first has been 468
issued a license, certificate of registration, or permit to do 469
so from a fire official of a political subdivision of this state 470
or from the office of the fire marshal. 471

(C) Division (A) of this section does not apply to: 472

(1) Officers, agents, or employees of this or any other 473
state or the United States, members of the armed forces of the 474
United States or the organized militia of this or any other 475
state, and law enforcement officers, to the extent that any such 476
person is authorized to acquire, have, carry, or use dangerous 477
ordnance and is acting within the scope of the person's duties; 478

(2) Importers, manufacturers, dealers, and users of 479
explosives, having a license or user permit issued and in effect 480

pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 481
952, 18 U.S.C. 843, and any amendments or additions thereto or 482
reenactments thereof, with respect to explosives and explosive 483
devices lawfully acquired, possessed, carried, or used under the 484
laws of this state and applicable federal law; 485

(3) Importers, manufacturers, and dealers having a license 486
to deal in destructive devices or their ammunition, ~~issued and~~ 487
~~in effect pursuant to the "Gun Control Act of 1968," 82 Stat.~~ 488
~~1213, 18 U.S.C. 923, and any amendments or additions thereto or~~ 489
~~reenactments thereof,~~ with respect to dangerous ordnance 490
lawfully acquired, possessed, carried, or used under the laws of 491
this state ~~and or~~ applicable federal law; 492

(4) Persons to whom surplus ordnance has been sold, 493
loaned, or given by the secretary of the army ~~pursuant to 70A-~~ 494
~~Stat. 262 and 263, 10 U.S.C. 4684, 4685, and 4686, and any~~ 495
~~amendments or additions thereto or reenactments thereof,~~ with 496
respect to dangerous ordnance when lawfully possessed and used 497
~~for the purposes specified in such section~~ in compliance with any 498
applicable state or federal law; 499

(5) Owners of dangerous ordnance ~~registered in the~~ 500
~~national firearms registration and transfer record pursuant to~~ 501
~~the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and~~ 502
~~any amendments or additions thereto or reenactments thereof, and~~ 503
~~regulations issued thereunder.~~ in compliance with any applicable 504
state or federal law; 505

(6) Carriers, warehouses, and others engaged in the 506
business of transporting or storing goods for hire, with respect 507
to dangerous ordnance lawfully transported or stored in the 508
usual course of their business and in compliance with the laws 509
of this state ~~and or~~ applicable federal law; 510

(7) The holders of a license or temporary permit issued 511
and in effect pursuant to section 2923.18 of the Revised Code, 512
with respect to dangerous ordnance lawfully acquired, possessed, 513
carried, or used for the purposes and in the manner specified in 514
such license or permit; 515

(8) Persons who own a dangerous ordnance that is a firearm 516
muffler or suppressor attached to a gun that is authorized to be 517
used for hunting by section 1533.16 of the Revised Code and who 518
are authorized to use such a dangerous ordnance by section 519
1533.04 of the Revised Code. 520

(D) Whoever violates division (A) of this section is 521
guilty of unlawful possession of dangerous ordnance, a felony of 522
the fifth degree. 523

(E) Whoever violates division (B) of this section is 524
guilty of illegally manufacturing or processing explosives, a 525
felony of the second degree. 526

Sec. 2923.50. (A) For purposes of this section: 527

"Violent felony offense" has the same meaning as in 528
section 2923.132 of the Revised Code. 529

"Law-abiding citizen" means a person who is not otherwise 530
precluded under state law from possessing a firearm and shall 531
not be construed to include anyone who is not legally present in 532
the United States or this state. 533

"Law enforcement officer" has the same meaning as in 534
section 9.69 of the Revised Code. 535

"Material aid or support" includes voluntarily giving or 536
allowing others to make use of lodging, communications equipment 537
or services including social media accounts, facilities, 538

weapons, personnel, transportation, clothing, or other physical 539
assets. "Material aid or support" does not include giving or 540
allowing the use of medicine or other materials necessary to 541
treat physical injuries, nor shall the term include any 542
assistance provided to help persons escape a serious, present 543
risk of life-threatening injury. 544

"Political subdivision" means a county, township, 545
municipal corporation, or any other body corporate and politic 546
responsible for governmental activities in a geographic area 547
smaller than that of the state. 548

"Public office" includes any state agency, public 549
institution, political subdivision, or other organized body, 550
office, agency, institution, or entity established by the laws 551
of this state for the exercise of any function of government. 552

"Public officer" includes all officers, employees, or duly 553
authorized representatives or agents of a public office. 554

(B) No public office, public officer, or employee of the 555
state or a political subdivision shall enforce, attempt to 556
enforce, or participate in any way in the enforcement of any 557
federal acts, executive orders, administrative orders, rules, 558
regulations, statutes, or ordinances regarding firearms, firearm 559
accessories, or ammunition. 560

(C) No public office, public officer, or employee of the 561
state or a political subdivision shall accede to a request from 562
another to give material aid or support to the efforts of the 563
other in the enforcement of or implementation of any federal 564
acts, laws, executive orders, rules, regulations, or ordinances 565
regarding firearms, firearm accessories, or ammunition. 566

(D) Sovereign immunity shall not be an affirmative defense 567

in any action pursuant to this section. 568

(E) (1) Notwithstanding anything to the contrary in 569
Chapters 2743. and 2744. of the Revised Code, if the state or a 570
political subdivision employs a law enforcement officer who 571
knowingly violates division (B) or (C) of this section, the 572
state or political subdivision shall be liable to the injured 573
party in an action at law, suit in equity, or other proper 574
proceeding for redress, and subject to a fifty-thousand-dollar 575
civil penalty per occurrence. 576

(2) Any person injured under this division shall have 577
standing to pursue an action for injunctive relief in the court 578
of common pleas of the county in which the action allegedly 579
occurred or in the court of common pleas of Franklin county with 580
respect to the actions of such officer. The court shall hold a 581
hearing on the motion for temporary restraining order and 582
preliminary injunction within thirty days of service of the 583
petition. In such actions, notwithstanding anything to the 584
contrary in Chapters 2743. and 2744. of the Revised Code, the 585
court may award the prevailing party, other than the state of 586
Ohio or any political subdivision of the state, reasonable 587
attorney's fees and costs. 588

(F) Nothing in this section shall be construed to prohibit 589
public officers or employees of the state or a political 590
subdivision of the state from requesting or accepting aid from 591
federal officials in an effort to enforce laws of the state or 592
of a political subdivision for either of the following: 593

(1) Referring firearm cases to any United States attorney 594
for potential prosecution if such case is a violent felony 595
offense and if that prosecution would entail prosecution of 596
violations substantially similar to those found in Chapters 597

2901. to 2911. of the Revised Code involving the use of a 598
weapon, provided that such weapons violations are merely 599
ancillary to that prosecution. 600

(2) Participating with federal law enforcement to enforce 601
laws of the state or a political subdivision in any national 602
integrated ballistic information network investigation or lead, 603
or distributing such leads, whether or not through a crime gun 604
intelligence center. 605

(G) It shall not be considered a violation of this section 606
to provide material aid to federal officials who are in pursuit 607
of a suspect when there is a demonstrable criminal nexus with 608
another state or country and such suspect is either not a 609
citizen of this state or is not present in this state. 610

(H) It shall not be considered a violation of this section 611
to provide material aid to federal prosecutions for either of 612
the following: 613

(1) Felony crimes against a person when such prosecution 614
includes weapons violations substantially similar to those found 615
in sections 2923.11 to 2923.25 of the Revised Code, so long as 616
such weapons violations are merely ancillary to such 617
prosecution; 618

(2) Class A or class B felony violations, as designated 619
under federal law, substantially similar to those found in 620
Chapter 2925. of the Revised Code when such prosecution includes 621
weapons violations substantially similar to those found in 622
sections 2923.11 to 2923.25 of the Revised Code, so long as such 623
weapons violations are merely ancillary to such prosecution. 624

(I) Nothing in this section shall be construed to prohibit 625
a public officer or employee of the state or a political 626

subdivision from participating in an inter-jurisdictional task 627
force for the purpose of enforcing laws not related to firearms, 628
firearm accessories, or ammunition, including an inter- 629
jurisdictional task force for the purpose of enforcing laws 630
related to drugs, human or sex trafficking, immigration, or any 631
other task force convened for purposes other than enforcing any 632
federal acts, laws, executive orders, rules, regulations, 633
statutes, or ordinances regarding firearms, firearm accessories, 634
or ammunition. 635

(J) (1) As specified in section 1.50 of the Revised Code, 636
if any provision of a section of the Revised Code or the 637
application thereof to any person or circumstance is held 638
invalid, the invalidity does not affect other provisions or 639
applications of the section or related sections which can be 640
given effect without the invalid provision or application, and 641
to this end the provisions are severable. 642

(2) Section 2923.50 of the Revised Code shall be strictly 643
construed against the state and shall be liberally construed in 644
favor of the rights of law-abiding citizens. 645

(K) The general assembly of the state of Ohio finds and 646
declares that: 647

(1) The general assembly of the state of Ohio is firmly 648
resolved to support and defend the Constitution of the United 649
States against every aggression, whether foreign or domestic, 650
and is duty-bound to oppose every infraction of those principles 651
that constitute the basis of the union of the states because 652
only a faithful observance of those principles can secure the 653
union's existence and the public happiness. 654

(2) Acting through the Constitution of the United States, 655

the people of the several states created the federal government 656
to be their agent in the exercise of a few defined powers, while 657
reserving for the state governments the power to legislate on 658
matters concerning the lives, liberties, and properties of 659
citizens in the ordinary course of affairs. 660

(3) The limitation of the federal government's power is 661
affirmed under the Tenth Amendment to the United States 662
Constitution, which defines the total scope of federal powers as 663
being those which have been delegated by the people of the 664
several states to the federal government, and all powers not 665
delegated to the federal government in the Constitution of the 666
United States are reserved to the states respectively or the 667
people themselves. 668

(4) If the federal government assumes powers that the 669
people did not grant it in the Constitution of the United 670
States, its acts are unauthoritative and of no force. 671

(5) The several states of the United States respect the 672
proper role of the federal government but reject the proposition 673
that such respect requires unlimited submission. If the federal 674
government, created by a compact among the states, were the 675
exclusive or final judge of the extent of the powers granted to 676
it by the states through the Constitution of the United States, 677
the federal government's discretion, and not the Constitution of 678
the United States, would necessarily become the measure of those 679
powers. To the contrary, as in all other cases of compacts among 680
powers having no common judge, each party has an equal right to 681
judge for itself as to whether infractions of the compact have 682
occurred, as well as to determine the mode and measure of 683
redress. Although the several states have granted supremacy to 684
laws and treaties made under the powers granted in the 685

Constitution of the United States, such supremacy does not 686
extend to various federal statutes, executive orders, 687
administrative orders, court orders, rules, regulations, or 688
other actions that collect data or restrict or prohibit the 689
manufacture, ownership, and use of firearms, firearm 690
accessories, or ammunition exclusively within the borders of 691
Ohio; such statutes, executive orders, administrative orders, 692
court orders, rules, regulations, and other actions exceed the 693
powers granted to the federal government except to the extent 694
they are necessary and proper for governing and regulating the 695
United States armed forces or for organizing, arming, and 696
disciplining militia forces actively employed in the service of 697
the United States armed forces. 698

(6) The people of the several states have given congress 699
the power "to regulate commerce with foreign nations, and among 700
the several states," but "regulating commerce" does not include 701
the power to limit citizens' right to keep and bear arms in 702
defense of their families, neighbors, persons, or property nor 703
to dictate what sort of arms and accessories law-abiding 704
citizens may buy, sell, exchange, or otherwise possess within 705
the borders of this state. 706

(7) The people of the several states also have granted 707
congress the power "to lay and collect taxes, duties, imports, 708
and excises, to pay the debts, and provide for the common 709
defense and general welfare of the United States" and "to make 710
all laws which shall be necessary and proper for carrying into 711
execution the powers vested by the Constitution of the United 712
States in the government of the United States, or in any 713
department or office thereof." These constitutional provisions 714
merely identify the means by which the federal government may 715
execute its limited powers and shall not be construed to grant 716

unlimited power because to do so would be to destroy the 717
carefully constructed equilibrium between the federal and state 718
governments. Consequently, the general assembly rejects any 719
claim that the taxing and spending powers of congress may be 720
used to diminish in any way the right of the people to keep and 721
bear arms. 722

(8) The general assembly of the state of Ohio finds that 723
the federal excise tax rate on arms and ammunition in effect 724
before January 1, 2021, which funds programs under the Wildlife 725
Restoration Act, does not have a chilling effect on the purchase 726
or ownership of such arms and ammunition. 727

(9) The people of Ohio have vested the general assembly 728
with the authority to regulate the manufacture, possession, 729
exchange, and use of firearms within the borders of this state, 730
subject only to the limits imposed by the Second Amendment to 731
the United States Constitution and the Constitution of Ohio. 732

(10) The general assembly of the state of Ohio strongly 733
promotes responsible gun ownership, including parental 734
supervision of minors in the proper use, storage, and ownership 735
of all firearms; the prompt reporting of stolen firearms; and 736
the proper enforcement of all state gun laws. The general 737
assembly of the state of Ohio hereby condemns any unlawful 738
transfer of firearms and the use of any firearm in any criminal 739
or unlawful activity. 740

Section 2. That existing sections 2923.11, 2923.111, 741
2923.122, and 2923.17 of the Revised Code are hereby repealed. 742

Section 3. This act shall be known as the Second Amendment 743
Protection Act. 744